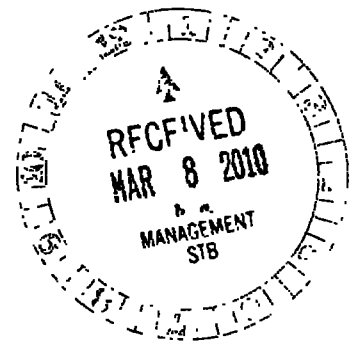




# KAPLAN KIRSCH ROCKWELL



March 8, 2010

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Office of Proceedings

MAR 8 2010

RECEIVED

226554

Re: *BNSF Railway Company - Abandonment Exemption - In King County, Washington, Finance Docket No. AB-6 (Sub-No. 463X)*  
*BNSF Railway Company - Abandonment Exemption - In King County, Washington, Finance Docket No. AB-6 (Sub-No. 464X)*  
*BNSF Railway Company - Abandonment Exemption - In King County, Washington, Finance Docket No. AB-6 (Sub-No. 465X)*

226555

226556

Dear Ms. Brown:

I am enclosing an original and ten (10) copies of the Notice of King County, Washington, of Consummation of Trail Use Agreement in the above referenced proceedings. An additional copy is enclosed for date stamp and return to our messenger. Please note that a compact disk is enclosed with this document.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Charles A. Spitulnik

Enclosures

cc: All Parties of Record

Office of Proceedings

MAR 8 2010

RECEIVED

Attorneys at Law

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**CONTAINS COLOR MAPS**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB Docket No. AB-6 (Sub-No. 463X)**

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,  
WASHINGTON  
(Redmond Spur, MP 0.00 to MP 7.30)**

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**STB Docket No. AB-6 (Sub-No. 464X)**

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,  
WASHINGTON  
(Woodinville Subdivision, MP 5.00 to MP 10.60)**

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**STB Docket No. AB-6 (Sub-No. 465X)**

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,  
WASHINGTON  
(Woodinville Subdivision, MP 11.25 to MP 23.80)**

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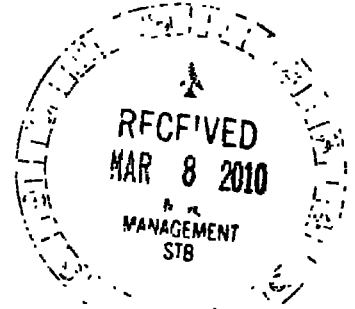
**NOTICE OF CONSUMMATION OF TRAIL USE AGREEMENT**

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Communications with respect to this pleading  
should be addressed to:

Charles A. Spitulnik  
Allison I. Fultz  
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E-mail: [afultz@kaplankirsch.com](mailto:afultz@kaplankirsch.com)  
Counsel for King County, Washington

Dated: March 8, 2010



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,  
WASHINGTON  
(Woodinville Subdivision, MP 11.25 to MP 23.80)**

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**NOTICE OF CONSUMMATION OF TRAIL USE AGREEMENT**

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King County, Washington, a political subdivision of the State of Washington (the "County"), hereby submits this notice that the County has entered into a trail use agreement with the BNSF Railway Company ("BNSF"), the abandoning railroad, for the following segments (collectively, the "Line"): (a) the Redmond Spur, the subject of a request for abandonment in Docket No. STB AB-6 (Sub-No. 463X), which extends from railroad milepost 0.00 in Woodinville, to railroad milepost 7.30, near Redmond, a distance of 7.30 miles in King County, Washington; (b) a segment of the Woodinville Subdivision extending from railroad milepost 5.00 in Kenndale, to railroad milepost 10.60, at Wilburton, a distance of 5.60 miles in King County, Washington, the subject of a request for abandonment in Docket No. STB AB-6 (Sub-

No. 464X); and (c) a segment of the Woodinville Subdivision extending from railroad milepost 11.25 near Wilburton, to railroad milepost 23.80, near Woodinville, a distance of 12.55 miles in King County, Washington, the subject of a request for abandonment in Docket No. STB AB-6 (Sub-No. 465X). A map of the Line is attached hereto as Exhibit A.

The Board issued a notice of interim trail use ("NITU") for each segment of the Line in Decisions (a) in AB-6 (Sub-No. 463X) and AB-6 (Sub-No. 464X) on October 27, 2008, and (b) in AB-6 (Sub-No. 465X) on November 28, 2008. The Board granted extensions of time to negotiate a trail use agreement on May 12, 2009, and November 3, 2009, in all three proceedings. The trail use negotiating period was most recently extended to April 20, 2010.

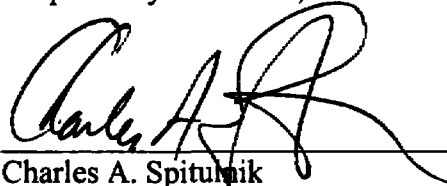
The Port of Seattle (the "Port") owns the real estate associated with the Line, which it acquired from BNSF on December 17, 2009. The Port has granted the County a public multipurpose easement over the Line to permit the County to exercise its railbanking authority.<sup>1</sup>

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<sup>1</sup> In Finance Docket No. 35148, the Board granted King County's request to be permitted, as the trail sponsor, to acquire the right to reactivate freight rail service on the line, therefore divesting BNSF of any residual interest it would otherwise have retained as the abandoning railroad. *King County, WA – Acquisition Exemption – BNSF Ry. Co.*, STB Finance Docket No. 35148 (Service Date Sept. 18, 2009), slip op. at 3-4.

The County has executed a statement of willingness to assume financial responsibility in accordance with the requirements of 16 USC 1247(d) and 49 CFR 1152.29(a) ("SWAFR"). That statement was previously submitted to this Board on September 18, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles A. Spitulnik", written over a horizontal line.

Charles A. Spitulnik  
Allison I. Fultz  
KAPLAN KIRSCH & ROCKWELL LLP  
1001 Connecticut Avenue, N.W.  
Suite 800  
Washington, DC 20036  
(202) 955-5600

Counsel for King County, Washington

Dated: March 8, 2010

**Exhibit A**

**Map of the Railbanked Portions of Woodinville Subdivision and Redmond Spur**

**[attached hereto]**

# BNSF Woodinville Subdivision (N. Renton to Snohomish)

## Existing Rail Lines and Regional Trails

- BNSF Corridor Under Study
- Other Regional Rail Lines
- Regional Bike Routes/Trails
- Metropolitan Transportation System
- City Limits
- Urban Growth Area

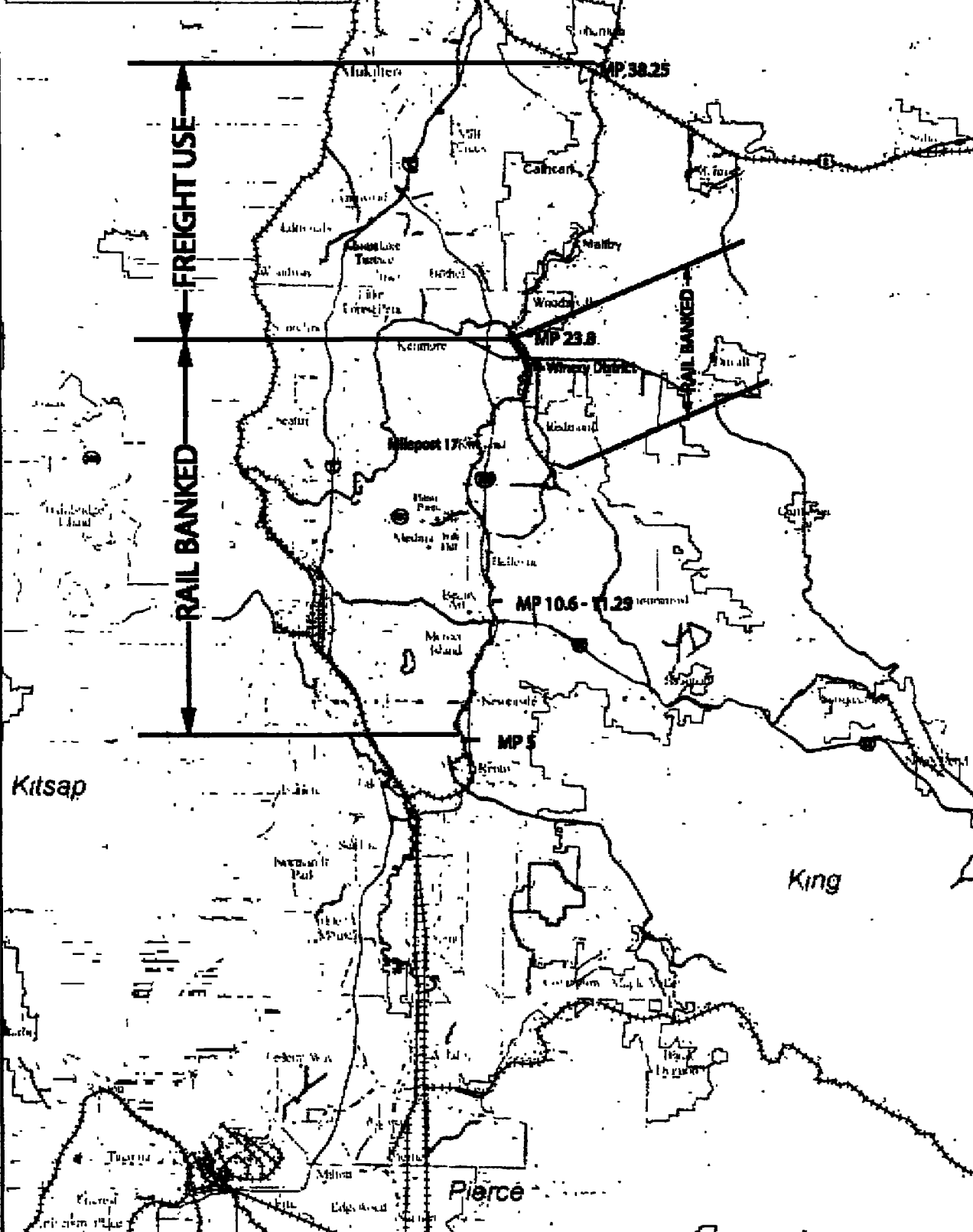
0 1.5 3 4.5 6 Miles

May 31, 2008

Puget Sound Regional Council

Port of Seattle

Snohomish



***CONTAINS COLOR MAPS***

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused to be served a copy of the foregoing NOTICE OF KING COUNTY, WASHINGTON, OF CONSUMMATION OF TRAIL USE AGREEMENTS, upon the following parties of record in this proceeding by first class mail with postage prepaid and properly addressed:

Kristy D. Clark  
General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive  
AOB-3  
Fort Worth, TX 76131

Kevin M. Sheys  
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1601 K Street, NW  
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Karl Morell  
Ball Janik LLP  
1455 F Street, NW  
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Washington, DC 20005


Attorneys for BNSF Railway Company

Tom Carpenter  
International Paper  
International Place I, 6400 Poplar Avenue  
Memphis, TN 38197

And to:

Robert P. vomEigen  
Foley & Lardner LLP  
3000 K Street, N.W.  
Suite 600  
Washington, DC 20007-5109

Attorney for Sound Transit

  
\_\_\_\_\_  
Charles A. Spitulnik

Dated this 8<sup>th</sup> day of March, 2010